

# Rickner PLLC

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## Via Email

Dara Weiss  
Anthony M. DiSenso  
Rachel Kaufman  
Corporation Counsel of the City of New York  
100 Church Street  
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Re: In re: New York City Policing During Summer 2020 Demonstrations,  
1:20-CV-8924 (CM) (GWG)  
This Letter Relates to All Cases

Dara, Anthony, and Rachel:

Plaintiffs write pursuant to Judge McMahon's Rules Governing Electronic Discovery ("ESI Rules"), and our June 23, 2021 meet and confer to provide additional terms for use in searching certain electronically stored information<sup>1</sup> ("ESI").

As we discussed during the meet and confer, this proposal as to additional searches for Defendants to conduct beyond the searches Defendants have already conducted or plan to conduct in response to Plaintiffs' discovery demands is aimed primarily at e-mails and other electronic communications stored in a few of the ESI Sources Defendants have identified. Nothing in this proposal to conduct these additional searches relieves Defendants of their discovery obligations under the Federal Rules of Civil Procedure or Judge McMahon's ESI Rules, including their obligations to conduct diligent searches for and produce discoverable documents and information in their possession, custody or control of which they are reasonably aware in a timely manner, irrespective of whether such documents or information are returned by the additional searches proposed herein. For example, while Defendants were required to "search their documents...and produce responsive electronic documents in accordance with Fed.R.Civ.P. 26(b)(2)", *see* ¶ 4(a) of Judge McMahon's ESI Rules, within 30 days of receiving Plaintiffs' March 25, 2021 document requests, *see* Fed.R.Civ.P. 34(b)(2)(A), those searches and productions are overdue. Nothing in this proposal to conduct certain additional searches relieves Defendants of their responsibilities to provide full and complete responses to Plaintiffs' outstanding document requests and to comply with

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<sup>1</sup> As used herein, ESI includes, but is not limited to, emails and attachments, voicemail, instant messaging and other electronic communications, word processing documents, text files, hard drives, spreadsheets, graphics, audio and video files, databases, calendars, telephone logs, transaction logs, Internet usage files, offline storage or information on removable media, and information contained on laptops, tablet computers, or other portable devices.

other, similar obligations under the Federal Rules of Civil Procedure or Judge McMahon's ESI Rules.

**Custodians:**

Defendants should collect and review for responsiveness **all** ESI created, sent, or received from May 25, 2020 to July 25, 2020 contained in (i) Commissioner Dermot Shea's Email and Personal Devices, and (ii) Terrence Monahan's Email and Personal Devices.

For the other custodians identified by Defendants, Defendants should use the below terms to search ESI in the possession, custody or control of all of the NYPD and Office of the Mayor ("OTM") custodians listed on the ESI disclosures provided by Defendants and attached here as Exhibit A.

**Sources:**

<b>NYPD</b>	<ul style="list-style-type: none"><li>• Department Email (O356)</li><li>• Department Network Drives</li><li>• Department iPhones and iPads (text messages, video, photos)</li><li>• Finest Online Records Management System (FORMS)</li><li>• Microsoft Teams Chats</li></ul>
<b>OFFICE OF THE MAYOR</b>	<ul style="list-style-type: none"><li>• OTM Email (o365)</li><li>• OTM Network Drives</li><li>• OTM Mobile Devices</li><li>• Personal Mobile Devices</li><li>• Personal Email Accounts</li></ul>

**Searches:**

Defendants, through a trained professional, must run the following Boolean search terms across the specified data sources in the possession, custody, or control of the specified custodians, limited to the date range **May 25, 2020-July 25, 2020**:

protest*	cinder*	spic
demonstrat*	fire	bitch
curfew	vandal*	wetback
dispers*	Molotov	chin*
assembl*	"air mail"	kike
march*	hammer*	n1g*
srg	firework*	sp1c
parade	bottle*	"illegal immigrant"

blm	rock*	cunt
"black lives matter"	brick	fag*
anarch!	flex*	queer
"anti-cop"	zip*	dyke
"anti-police"	cuff*	tranny
defund	baton	trannie
abolish	"oc"	misconduct
ftp!	arrest	abus*
acab	kettl*	beat*
floyd	encirc*	"back the blue"
taylor	MAPC	"thin blue line"
FTP	pepper	"blue wall"
"fuck the police"	spray	"blue lives"
"say her name"	TARU	mourning
"mott haven"	aviation	"national lawyers"
agit!	DCU	nlg
anarc!	"disorder control"	"green hat"
disor!	legal	deter!
incit!	LRAD	antifa
infil!	stingray	
loot*	fuck	
riot*	nigg*	

Defendants should provide Plaintiffs with the number of hits, unique hits, and bytes returned by each search term.

In the event Defendants determine after performing these searches that it would be unduly burdensome to review all information returned by these searches, they must so notify Plaintiffs in writing, including a statement demonstrating the number of hits for the objected to term, as well as proposal(s) to narrow the search. Regardless, Defendants shall load all responsive documents onto their electronic discovery platform.

### **De-Duplication, Format, and Bates numbering:**

Duplicates may be removed from any productions, but any duplicate ESI that is not produced shall be preserved. Defendants shall produce the documents in accordance with the previously agreed to ESI Production Specifications. Each page shall be branded with a Bates number on the face of the image.

Sincerely,

/s/

Rob Rickner

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By: /s/ Jessica Clarke

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*Co-Counsel for Plaintiffs in Sow et al. v. New York City, No. 21-cv-533*

**Exhibit A**

<b>Title, Bureau, or Precinct</b>	<b>Name</b>
Mayor	Mayor Bill de Blasio
First Deputy Mayor	Dean Fuleihan
Chief of Staff to the First Deputy Mayor	Freya Rigterink
Deputy Chief of Staff to the Mayor	Kayla Arslanian
Deputy Mayor for Administration and Chief of Staff to the Mayor	Emma Wolfe
Senior Advisor, Justice Initiatives and Community Reinvestment, Mayor's Office of Criminal Justice Former Acting Commissioner, Community Affairs Unit	America Canas
Senior Legislative Representative	Persephone Tan
Assistant Commissioner and Senior Community Liaison, Community Affairs Unit	Pinchas Ringel
Former Commissioner, Community Affairs Unit	Marco Carrion
Former Chief of Staff, State Legislative Affairs	Jenny Sobelman
Office of the Chief of Department Operations Commander	Deputy Chief Edward Mullane
Chief of Patrol	Chief Fausto Pichardo
Patrol Borough Manhattan South Commanding Officer	Assistant Commissioner Stephen Hughes
Patrol Borough Manhattan South Executive Officer	Deputy Chief James Kehoe
Patrol Borough Manhattan South Special Events Inspector	Inspector Brian McGinn
World Trade Center Command - Commanding Officer	Deputy Inspector Kenneth Aube



Operations Executive Officer	Deputy Chief Inspector Salvatore Comodo
Borough Administrator	Deputy Inspector Elias Nikas
Patrol Borough Manhattan North Commanding Officer	Assistant Commissioner Kathleen O'Reilly
28 <sup>th</sup> Precinct Executive Officer	Captain Edison Gutierrez
34 <sup>th</sup> Precinct Executive Officer	Captain Thomas Palmer
30 <sup>th</sup> Precinct Commanding Officer	Deputy Inspector Lourdes Soto
Patrol Borough Bronx Commanding Officer	Assistant Commissioner Kenneth Lehr
40 <sup>th</sup> Precinct Commanding Officer	Deputy Inspector Robert Gallitelli
40 <sup>th</sup> Precinct Executive Officer	Captain James Hynes
45 <sup>th</sup> Precinct Commanding Officer	Captain Thomas Fraser
44 <sup>th</sup> Precinct Executive Officer	Captain Denis O'Hanlon
48 <sup>th</sup> PCT Executive Officer	Captain Anthony Lombardo
Patrol Borough Brooklyn South	Assistant Commissioner Brian Conroy
Patrol Borough Brooklyn South, Operations Executive Officer	Deputy Chief Timothy Bugge
70 <sup>th</sup> Precinct Executive Officer	Captain Vitaliy Zelikov
66 <sup>th</sup> Precinct Commanding Officer	Captain Jason Hagestad
69 <sup>th</sup> Precinct Commanding Officer	Captain Robert Conwell
Patrol Borough Brooklyn North Commanding Officer	Bureau Commissioner Jeffrey Maddrey
81 <sup>st</sup> Precinct Commanding Officer	Deputy Inspector William Glynn
75 <sup>th</sup> Precinct Commanding Officer	Deputy Inspector John Mastronardi
79 <sup>th</sup> Precinct Commanding Officer	Deputy Inspector Timothy Skretch
Patrol Borough Brooklyn North Special Projects	Inspector Rafael Mascol
112 <sup>th</sup> Precinct Executive Officer	Captain Tony Wong

Patrol Borough Queens South Commanding Officer	Assistant Commissioner Reuben Beltran
Patrol Borough Queens North Commanding Officer	Assistant Commissioner Galen Frierson
Patrol Borough Staten Island	Assistant Commissioner Kenneth Corey
SRG Commanding Officer	Deputy Chief John D'Adamo
SRG 3 Brooklyn	Captain Joseph Taylor
Disorder Control Unit Commanding Officer	Captain David Miller
Police Commissioner's Office	Lt. Denis McAuliffe
Office of the Chief of Department	Detective Michael Smeritek
Detective Bureau	Inspector Christopher McIntosh
Housing Bureau	Sgt. John Shad Det. Nancy Ripollcid
Transportation Bureau	Sgt. Keith Luk
Training Bureau	Sgt. Andy Neuman Sgt. Kristen Botta
Personnel Bureau	Sgt. Young Yoo
Information Technology Bureau	DCIT Matthew Fraser
Support Services Bureau: Fleet Services	Operations Supervisor Douglas Brenner
Support Services Bureau: Property Clerk Division	Sgt. Feliciano Rodriguez
DC Management and Budget	Sgt. Bryan De La Rosa
DC Public Information	Executive Agency Counsel Lisa Bland
Criminal Justice Bureau	Lt. Christopher Czark
Operations Division	Lt. John-Patrick Devine
Medical Division	Inspector Anthony Gazis

Patrol Services Bureau	Francisco Munoz Matthew Bailey John Seidl Salvatore Anselmo Luis Machado Donny Ramoutar Michael Gaon
Manhattan South/14 <sup>th</sup> Precinct	Robert Cattani
18 <sup>th</sup> Precinct	Robert Murray
19 <sup>th</sup> Precinct	Anthony Battaglia
20 <sup>th</sup> Precinct	Chris McDonald
Central Park	Michael Fisher
23 <sup>rd</sup> Precinct	Michael Butler
24 <sup>th</sup> Precinct	Chris Ferarra
25 <sup>th</sup> Precinct	Mario Deras
26 <sup>th</sup> Precinct	Mylene Medrano
28 <sup>th</sup> Precinct	Thomas Kelly
30 <sup>th</sup> Precinct	Liliana Prendergast
32 <sup>nd</sup> Precinct	Emma Rodriguez
33 <sup>rd</sup> Precinct	Katherine Tavares
34 <sup>th</sup> Precinct	Tancredo Contreas
Patrol Borough Bronx	Enoch Law
40 <sup>th</sup> Precinct	Lauren Diaz
41 <sup>st</sup> Precinct	Phillip Connor
42 <sup>nd</sup> Precinct	Yoel Hidalgo
43 <sup>rd</sup> Precinct	Eric Heeran
44 <sup>th</sup> Precinct	Andrew Hatki
45 <sup>th</sup> Precinct	Michael Piper
46 <sup>th</sup> Precinct	Albert Rodriguez
47 <sup>th</sup> Precinct	Shaun Tablante
48 <sup>th</sup> Precinct	Joaquin Disla
49 <sup>th</sup> Precinct	Lanier Glenn

50 <sup>th</sup> Precinct	John Trotta
52 <sup>nd</sup> Precinct	Christopher Ryan
Patrol Borough Brooklyn South	Joseph Antonio
60 <sup>th</sup> Precinct	Frank Abbriano
61 <sup>st</sup> Precinct	Johnny Wong
62 <sup>nd</sup> Precinct	Nicholas Peragine
63 <sup>rd</sup> Precinct	Anil George
66 <sup>th</sup> Precinct	Michael Bergenbaum
67 <sup>th</sup> Precinct	Michael Spagnuolo
68 <sup>th</sup> Precinct	Billy Morales
69 <sup>th</sup> Precinct	Hussein Abdullraha
70 <sup>th</sup> Precinct	Michael Bergamo
71 <sup>st</sup> Precinct	Victoria Beauvoir
72 <sup>nd</sup> Precinct	Paul Melendez
76 <sup>th</sup> Precinct	Kristin Galeone
78 <sup>th</sup> Precinct	Eduard Silva
Patrol Borough Brooklyn North	Michael Martire
73 <sup>rd</sup> Precinct	Ali Cheikhali
75 <sup>th</sup> Precinct	Richard Tussie
79 <sup>th</sup> Precinct	Thomas Pavic
81 <sup>st</sup> Precinct	John Rojecki
83 <sup>rd</sup> Precinct	Herbert Johnston
84 <sup>th</sup> Precinct	Scott Miline
88 <sup>th</sup> Precinct	Colin Delaney
90 <sup>th</sup> Precinct	Jonathan Lusky
94 <sup>th</sup> Precinct	Matthew Delaney
Patrol Borough Queens South	John Schuman
100 <sup>th</sup> Precinct	LaDatra Turner
101 <sup>st</sup> Precinct	Christopher Bivona
102 <sup>nd</sup> Precinct	Kimberly Maldonado
103 <sup>rd</sup> Precinct	John Diaz

105 <sup>th</sup> Precinct	Richard Pimental
106 <sup>th</sup> Precinct	Luis Rodriguez
107 <sup>th</sup> Precinct	Robert Pace
113 <sup>th</sup> Precinct	Jarek Bubrowiecki
Patrol Borough Queens North	Christopher Schlanger
104 <sup>th</sup> Precinct	Thomas Maloney
108 <sup>th</sup> Precinct	Jai Won Kim
109 <sup>th</sup> Precinct	Christopher Zollino
110 <sup>th</sup> Precinct	Patrick Welsh
111 <sup>th</sup> Precinct	Keith King
112 <sup>th</sup> Precinct	Jason Forgione
114 <sup>th</sup> Precinct	Miguel Figueroa
115 <sup>th</sup> Precinct	John Ruiz
120 <sup>th</sup> Precinct	Steven Nicholas
121 <sup>st</sup> Precinct	Ahmed Aiman
122nd Precinct	Steven Hect
123 <sup>rd</sup> Precinct	Joseph Delsante